

Exhibit B

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF NEW YORK

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 4 MOOG INC.,) 22-CV-187
 Plaintiff)
 5 vs.

6 SKYRYSE, INC., et al) Buffalo, New York
 Defendant.) August 4, 2022
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DISCOVERY HEARING

Proceeding held via Zoom for Government Platform

All parties appeared remotely.

Transcribed from audio of Zoom for Government Platform

10 TRANSCRIPT OF PROCEEDINGS
 11 BEFORE THE HONORABLE JEREMIAH J. MCCARTHY
 12 UNITED STATES MAGISTRATE JUDGE

13 FOR PLAINTIFF: SHEPPHARD MULLIN RICHETER & HAMPTON, LLP
 BY: RENA ANDOH, ESQ.
 LAI YIP, ESQ.
 14 KAZIM A. NAQVI, ESQ.
 TRAVIS ANDERSON, ESQ.

15 -and-

HODGSON RUSS, LLP
 16 BY: ROBERT J. FLUSKEY, JR, ESQ.
 PAULINE MUTO, ESQ.

17 FOR DEFENDANT: LATHAM & WATKINS, LLP
 18 BY: DOUGLAS E. LUMISH, ESQ.
 GABRIEL S. GROSS, ESQ.
 19 KELLEY STOREY, ESQ.
 CASSANDRA M. BALOGA, ESQ.
 20 JULIANNE CATHERINE OSBORNE, ESQ.
 RYAN T. BANKS, ESQ.
 21 JOSEPH LEE, ESQ.
 ARMAN ZAHOORY, ESQ.

22 FOR DEFENDANT

23 PILKINGTON/KIM: WINGET, SPADAFORA & SCHWARTZBERG, LLP
 BY: ALEXANDER ASHER TRUITT, ESQ.
 24 ANTHONY D. GREEN, ESQ.
 ANNABEL MIRALES, ESQ.

25 **COURT REPORTER: Karen J. Clark, Official Court Reporter**
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1 MOOG, INC. VS. SYRYSE, INC, ET AL
2 want to focus, for today's purposes, on what
3 precipitated Ms. Andoh's August 1st e-mail, the fact
4 that the individual Defendants, I guess, shortly after
5 our conference last week, advised Moog that they were
6 going to rescind permission to access any of their
7 devices due to potential Fifth Amendment concerns. And
8 I guess my initial question is why didn't -- I know we
9 talked during the conference last week about the
10 possibility of a stay and the possible consequences of
11 Fifth Amendment concerns, and, in fact, I set a briefing
12 schedule on the motion to stay, which was going to be
13 argued in September, but I'm wondering why the fact that
14 the individual Defendants were going to prohibit access
15 to their devices wasn't put on the table during our
16 conference last week.

17 Mr. Green, I guess I'll ask you that.

18 MR. GREEN: Well, it came after
19 consideration of what we discussed in that conference,
20 and also further review of documents that indicated that
21 Moog has been acting hand in glove with the FBI and
22 acting almost as an agent of the government. And at
23 this point, given we're going to deal with the motion to
24 stay anyway, we're going to deal with Fifth Amendment
25 issues, it seems prudent to have -- to halt access, at

1 MOOG, INC. VS. SYRYSE, INC, ET AL
2 this point, while we determine whether we need to assert
3 Fifth Amendment privileges. Because, by the time that
4 we performed our privilege review, it was for
5 attorney/client privilege, not the Fifth Amendment
6 privilege. This issue arose later, and I believe we do
7 need to go through those devices once we receive the
8 information I believe we need.

9 MAGISTRATE JUDGE MCCARTHY: Well, let me
10 just say, and we'll get into the merits of that, but
11 I'll just say at the outset that I really would have
12 preferred that that would have been put in issue during
13 our last conference because then I'm hit with a ton of
14 e-mails going back and forth. And these things could
15 have been at least flushed out in a somewhat more
16 orderly fashion had I been aware last week that this was
17 in the offing. But, be that as it may, let me ask
18 Moog's counsel, and if there is some reason work product
19 privilege or whatever else you want to raise as to why
20 you don't want to answer this question, I'll certainly
21 consider that, but whose idea was it to commence a
22 criminal investigation? I mean, did the Government, on
23 its own, just decide to do that, maybe reading something
24 in the paper somewhere, or did Moog precipitate the
25 criminal investigation?

1 MOOG, INC. VS. SYRYSE, INC, ET AL
2 then I really appreciate that clarification. That would
3 be fine with Skyryse.

4 MAGISTRATE JUDGE MCCARTHY: Consider it
5 clarified.

6 MR. GROSS: Thank you.

7 MAGISTRATE JUDGE MCCARTHY: All right. Then
8 I will -- we'll proceed along those timelines. And,
9 again, the other motions that were filed, we will get to
10 them, but we'll take it from there. And thank you all
11 and I brought it in with seven minutes to spare. So
12 there we go. Thank you all.

13 MR. GREEN: Thank you, your Honor.

14 MS. ANDOH: Thank you, your Honor.

15 MR. GROSS: Thank you, your Honor.

16 * * *

17 CERTIFICATE OF REPORTER

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19 I certify that the foregoing is a correct transcript
20 of the record to the best of my ability of proceedings
21 transcribed from the audio in the above-entitled matter.

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23 S/ Karen J. Clark, RPR

24 Official Court Reporter

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